


## SENSITIVE SECURITY INFORMATION

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<b>SPECIAL CONDITIONS</b>			
1. The grantee and any subgrantee shall comply with all applicable laws, regulations and program guidance. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, including the guidance: <ul style="list-style-type: none"> <li>A. Administrative Requirements             <ul style="list-style-type: none"> <li>1) OMB Circular A-102, State and Local Governments (10/07/94, amended 08/29/07) (44CFR Part 13)</li> <li>2) OMB Circular A-110, Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 09/30/99) (2 CFR Part 215)</li> </ul> </li> <li>B. Cost Principles             <ul style="list-style-type: none"> <li>1) OMB Circular A-87, State and Local Governments (05/10/04)</li> <li>2) OMB Circular A-21, Educational Institutions (5/10/04)</li> <li>3) OMB Circular A-122, Non-Profit Organizations (5/10/04)</li> </ul> </li> <li>C. Audit Requirements             <ul style="list-style-type: none"> <li>1) OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97, includes revisions published in the Federal Register 6/27/03)</li> </ul> </li> </ul>			
2. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of GPD.			
3. The grantee is prohibited from obligating, expending or drawing down funds provided through this award until the required Budget Detail Worksheet and Budget Narrative are reviewed and approved by the Financial Accountability and Oversight Division (FAO) and a Grant Adjustment Notice (GAN) is issued removing this special condition.			
4. The grantee is prohibited from obligating, expending or drawing down funds provided through this award until all applicable programmatic documents are provided to and approved by the program office and a Grant Adjustment Notice (GAN) is issued removing this special condition			
5. The recipient agrees that all allocations and uses of the funds under this grant will be in accordance with the Fiscal Year 2008 Port Security Grant Program Guidance and Application Kit. Additionally, the recipient agrees that it will meet all applicable cost matching requirements provided in the FY 2008 Guidance.			

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Warning. This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49CFR parts 15 and 1520.

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**SPECIAL CONDITIONS**

6. The following projects and costs are ineligible for funding and such costs are unallowable under the Port Security Grant Program:
  - a. Projects that are awarded to Ferry systems participating in the FY 2008 Transit Security Grant Program (TSGP);
  - b. The development of risk/vulnerability assessment models and methodologies;
  - c. Projects in which Federal agencies are the primary beneficiary or that enhance Federal property;
  - d. Projects that study technology development for security of national or international cargo supply chains (e.g., e-seals, smart containers, container tracking, container intrusion detection devices);
  - e. Proof-of-concept projects;
  - f. Projects involving training and exercises that do not meet MTSA standards and/or requirements set by MTSA or DHS;
  - g. Projects that do not provide a compelling security benefit (e.g., primarily economic or safety vs. security);
  - h. Projects that duplicate capabilities being provided by the Federal government (e.g., vessel traffic systems, etc.);
  - i. Projects in which there are unresolved real or apparent conflicts of interest;
  - j. Personnel costs (except for direct management and administration of the grant award, (i.e., preparation of mandatory post-award reports));
  - k. Business operating expenses (certain security-related operational and maintenance costs are allowable. See "Specific Guidance on Security Operational and Maintenance Costs" in Sec. B.5 of the FY 2008 Port Security Grant Program Guidance and Application Kit for further guidance on exceptions);
  - l. Transportation Worker Identification Credential card fees
  - m. Signage, projects for placarding and billboards, or hard fixed structure signage
  - n. Reimbursement of pre-award security expenses;
  - o. Weapons and associated equipment (i.e. holsters, optical sights and scopes), including, but not limited to: non-lethal or less than lethal weaponry including long range acoustic and hailing devices, firearms, ammunition, and weapons affixed to facilities, vessels or other structures;
  - p. Outfitting facilities, vessels, or other structures with equipment or items providing a hospitality benefit rather than a direct security benefit. Examples of such equipment or items include, but are not limited to: office furniture, CD players, DVD players, AM/FM radios, etc.;
  - q. Projects involving bridge infrastructure, roads, and nuclear power plants;
7. Recipient agrees that commingling or adjustments of funds or projects from previous rounds of port security grant programs is not acceptable or allowed.
8. Neither repairs to existing equipment nor replacement equipment costs are funded. Equipment includes, but is not limited to, fencing, lighting, CCTV, access controls, etc.
9. All lighting must meet Occupational Safety and Health Administration (OSHA) requirements.
10. Radiological detection equipment must be compliant with applicable national guidelines adopted by the U.S. Department of Homeland Security, including ANSI N323B-2003, ANSI N42.32-2003, ANSI N42.33-2003, and ANSI N42.35-2004.
11. The recipient agrees to submit a Categorical Assistance Progress Report (CAPR), per the PSGP 2008 Program Guidance and Application Kit and biannually and as a final report. CAPRs submitted for a biannual report should use Block 12 to describe the status of the project, and comparison of actual accomplishments to the objectives. Biannual CAPRs and the final CAPR should use Block 12 to address performance data identified in the PSGP 2008 Program Guidance and Application Kit.


--- CAPRs must be filed online through the internet at <http://grants.ojp.usdoj.gov>. Guidance and instructions can be found at <https://grants.ojp.usdoj.gov/gmsHelp/index.html>.

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<p style="text-align: center;"><b>SPECIAL CONDITIONS</b></p> <ol style="list-style-type: none"> <li>12. As required by 2 CFR 215.25, the recipient shall notify the FEMA/OPD program office of developments that have a significant impact on award-supported activities, including changes in key project staff. If key project staff has not been designated in the recipient's approved application, recipient must request approval prior to hiring.</li> <li>13. The Department of Homeland Security (DHS) has elected to enter into cooperative agreements with FY 2008 Port Security Grant Program (PSGP) funding recipients for projects taking place within port areas identified as Group I or Group II ports within the FY 2008 PSGP Guidance and Application Kit. The nature of the Federal involvement in the execution of this program may include joint conduct of a Group I or Group II project. Other examples of prospective substantial Federal involvement include the following:           <ul style="list-style-type: none"> <li>Collaboration, participation, and/or intervention in any Group I or Group II activity covered by the cooperative agreement;</li> <li>Approval from DHS prior to the selection of a new Group I or Group II project or commencement of the next phase of an approved Group I or Group II project;</li> <li>Authority for DHS to halt a Group I or Group II activity if detailed performance specifications are not met;</li> <li>Authority for DHS to direct or redirect the scope of work of a Group I or Group II project based on new circumstances; and,</li> <li>Authority for DHS to require Group I or Group II award recipients (including Sub recipients) to participate in a port wide risk management planning project.</li> </ul> </li> <li>14. The grantee and subgrantee must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements.</li> <li>15. The grantee and subgrantee must comply with FEMA's codified regulation 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.</li> <li>16. The grantee is prohibited from obligating, expending or drawing down funds provided through this award until all applicable programmatic documents are provided for and approved by a DHS FEMA Environment and Historic Preservation (EHP) review and a Grant Adjustment Notice (GAN) is issued removing this special condition.</li> </ol>			

*LPC JR*  
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